

# Court of Appeals, State of Michigan

## ORDER

People of MI v Troy Daniel Gardner

Docket No. 272194

LC No. 2003-406750

Michael J. Talbot  
Presiding Judge

E. Thomas Fitzgerald

Michael R. Smolenski  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court orders that defendant's sentence is VACATED, and the matter is REMANDED for resentencing. A court cannot impose a sentence in which the maximum penalty is life imprisonment with a minimum for a term of years included in the same sentence. MCL 769.9(2); *People v Johnson*, 421 Mich 494, 497-498; 364 NW2d 653 (1984).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 30 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk